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W.P.No.10606 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.4.2023

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**W.P.No.10606 of 2023**

Tamilselvi

...Petitioner

Vs

- 1.The Commissioner, Land  
Administration Department,  
II Floor, Ezhilagam,  
Chepauk, Chennai-5.
- 2.The District Collector,  
Collectorate, Ranipet,  
Ranipet District-632401.
- 3.The District Revenue Officer,  
the District Revenue Office,  
Collectorate Building,  
Ranipet District.  
Tamil Nadu-632401.
- 4.The Revenue Divisional Officer,  
the Revenue Divisional Office,  
Tahsildar Office Building,  
Ranipet District.
- 5.The Tahsildar, the Tahsildar Office,  
Arakonam, Ranipet District.
- 6.M.Vijayakumar

...Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing respondents 1 to 5 herein to consider and dispose the representation dated 20.12.2021 submitted by the Panchami Land Protection Public Welfare Society, which is a registered society (Reg.No.27/2007) on behalf of the petitioner herein seeking to conduct an enquiry and cancel the patta No.822 in respect of the Panjami (D.C) land (Depressed Classes Land) measuring to an extent of 3 Acres and 24 cents comprised in Survey Nos.360/1 and 360/2 at Vaniyampettai Village, Thanigai Polur, Arakkonam Taluk, Ranipet District and consequently direct the 4th respondent to cancel the transfer of patta in the name of Vijayakumar and issue a patta in respect of the Panjami (D.C) land (Depressed Classes Land) measuring to an extent of 1 acre 12 cents in survey No.360/1 and 2 acres and 12 cents in survey No.360/2, in all total extent of 3 acres and 24 cents situated at Vaniyampettai Village, Thanigai Polur, Arakonam Taluk, Ranipet District.

For Petitioner : Mr.P.Britto

For Respondents 1 to 5 : Mr.Yogesh Kannadasan,  
Special Government Pleader

### **ORDER**

Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the official respondents. Since this Court is directing the second respondent to consider the



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representation dated 20.12.2021 submitted by the Panchami Land Protection Public Welfare Society on behalf of the petitioner after giving notice to all the parties concerned, notice to the private respondent is dispensed with.

2. On behalf of the petitioner, the Panchami Land Protection Public Welfare Society had given a representation dated 20.12.2021 to respondents 1 and 3 to take appropriate action and cancel patta No.822 granted to the sixth respondent herein in respect of the land in S.Nos. 360/1 and 360/2, Vaniyampettai Village, Thanigai Polur, Arakonam Taluk, Ranipet District measuring an extent of 3 acres and 24 cents.

3. It is seen from the typed set of papers that the first respondent, vide proceedings dated 11.1.2022, directed the second respondent to take appropriate action on the representation dated 20.12.2021 made on behalf of the petitioner. As nothing was forthcoming, the petitioner is before this Court.

4. It is needless to point out that whenever a representation of this



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nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct him to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the representation dated 20.12.2021 submitted on behalf of the petitioner, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the private respondent herein, as well as all other persons who may be interested in the subject property, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.



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No costs.

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Index:Yes/No

Speaking order/Non-speaking order

To

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**M.S.RAMESH,J.**

RS/SNI

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